

Decision No. 48407**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission Investigation into the)
 Valley View Drive grade crossing) Case No. 5429
 of the Los Altos branch of the)
 Southern Pacific Company.)

Gardner Bullis, City Attorney, City of
 Los Altos,
A. W. Conner, Mayor, City of Los Altos,
Walter S. Gaspar, Supervisor, County of
 Santa Clara,
Rev. Charles W. Cox, for Methodist
 Community Church of Los Altos,
Leonard Bushnell, County Engineer, County
 of Santa Clara,
Don Curlin, Assistant County Counsel,
 County of Santa Clara,
R. Bassett, Fire Chief, Los Altos Fire
 Protection District,
William A. Reed II, J. H. Farrell,
Joseph W. Henderson, D. P. Larsen,
Mrs. F. Rudine, Eugene Washington,
L. W. Griffith, Mrs. Virginia Lloyd,
Stuart Harwood, Mrs. W. H. Kohl,
 interested parties.
R. S. Myers, for Southern Pacific Company,
 respondent.
Halsey L. Rixford, for the Commission's
 Staff.

O P I N I O N

By order dated December 2, 1952, the Commission, on its own motion, instituted an investigation for the purpose of determining whether the crossing (EN-37.16) at grade, of Valley View Drive with the tracks of the Los Altos Branch of Southern Pacific Company in the vicinity of Springer Road station, Santa Clara County, is hazardous to the safety of the public, whether the public safety, convenience or necessity requires the abolition of such crossing by physical closing or the closing thereof to public use, or the alteration thereof or the installation of protective devices, and to

prescribe the terms upon which any such maintenance, closing, alteration or installation should be made and the proportions in which the expense thereof should be divided between the Southern Pacific Company, the County of Santa Clara and the City of Los Altos.

A public hearing was held at Los Altos, before Commissioner Huls and Examiner Silverhart on February 26, 1953, on which date the matter was submitted.

The Commission, by Decision No. 41556, dated May 4, 1948, denied the application of the County of Santa Clara for authority to construct a public grade crossing at the above-mentioned Valley View Drive. In such decision the Commission said, among other things,

"From the record in this case, it appears that a crossing at this location would be unsafe due to the steep approach grade (11½ per cent) and that it would not be practicable to reduce this grade. It also appears that access to the subdivision is available by alternate, although slightly longer routes, over other public crossings. The most desirable solution to the problem would be the extension of Border Road both to the north and south along the railroad tracks, thus connecting with the Magdalena Road crossing and the Fremont Avenue crossing. The extension to the south would have the further benefit of giving the tract better access to the Springer Road Railroad Station. In the event that Border Road is extended as suggested, the private crossing at Valley View Drive could be closed."

The location and physical characteristics of the crossing at Valley View Drive, the public crossings on either side thereof and the distances therefrom to Magdalena Avenue and to Fremont Avenue are set forth in such decision, as is the location of Border Road. Since the issuance of Decision No. 41556 the crossing at Valley View Drive, the eastern approach thereto and a portion of the western approach are now within the city limits of the City of Los Altos. The subdivision referred to in such decision, known as Summerhill Heights, is not within such city limits.

The fire chief of the Los Altos Fire Protection District testified that fire equipment is routed away from the Valley View Drive crossing because of deep chuck holes and ruts therein. He indicated that if such crossing were available as a means of ingress to Summerhill Heights via Valley View Drive, his equipment would ascend one hill less than now must be negotiated by use of routes presently utilized. The witness also stated that an extension of Border Road would be advantageous because it would permit a reduction in time to negotiate the distance between the Fire House, at 3rd and State Streets in Los Altos, and Summerhill Heights.

The supervisor of school buses of the Los Altos school district testified that the Valley View Drive crossing is dangerous and in bad condition and that the school buses do not use it. This witness stated that Border Road could be used if it were extended.

The county engineer of Santa Clara County testified that the existing crossing at Valley View Drive is dangerous, that to reduce the grade thereat would require the expensive procedure of either raising the grade at Fremont Avenue or lowering the grade of the railroad, that he favored a highway parallel to the railroad and that he would recommend an extension of Border Road either to the north or the south if the Valley View Drive crossing should be closed.

Exhibit No. 2, a report prepared by transportation engineers of the Commission's staff, as a result of their study of the crossing with which we are here concerned, shows that the width of such crossing is 12 feet, with a plus 15 per cent grade of approach on the east and a minus 8 per cent on the west, that such crossing is too narrow to permit passage of two vehicles of any type, that such crossing is unpaved, as are the approaches, that such

approaches contain large chuck holes, and that a hill causes an impairment of vision to the northwest.

While the evidence demonstrates that the present crossing at Valley View Drive is deplorably inadequate and dangerous, the closing thereof would deprive the residents of Summerhill Heights of a convenient means of ingress and egress to and from their homes. At the same time, to permit such crossing as it presently exists, to remain open indefinitely would not be conducive to the public safety. Therefore, the ensuing order will provide for the abolition of the crossing at Valley View Drive at such time as Border Road shall be prolonged either to Fremont Avenue or to Magdalena Avenue, or at the expiration of six months from the date hereof, whichever is the earlier.

Because of the exigency and immediacy of the situation confronting the residents of the area, the Board of Supervisors of Santa Clara County is urged to undertake such construction promptly.

O R D E R

A public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED:

1. That the Southern Pacific Company, the County of Santa Clara and the City of Los Altos, at such time as Border Road is lengthened either to Magdalena Avenue or to Fremont Avenue, and officially opened to traffic, or at the expiration of six months from the date hereof, whichever is the earlier, shall abolish, by physical closing, the crossing of Valley View Drive (EN 37.16) with the railroad tracks of the Southern Pacific Company near Springer Road station, in the County of Santa Clara.

2. That within five days after the occurrence of the event referred to in paragraph 1 hereof, the Southern Pacific Company, at its sole expense, shall remove such crossing and approaches, within the limits of its right of way, and erect suitable barriers, in such manner as effectively to prevent the use of such crossing by vehicular traffic.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 24th day of March, 1953.

A. T. Anderson
President

Martha J. Calver
Harold D. Kula

Samuel P. Patton
John E. McMillin
Commissioners